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Paper 21  
26 February 2008

UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES

Patent Interference No. 105,434

SIRNA THERAPEUTICS, INC.  
(6,183,959; 6,448,009; and 10/103,480)  
Junior Party,  
v.  
IMMUSOL, INC.  
(10/613,565),  
Senior Party.

Before: SCHAFER, TORCZON, and MOORE, *Administrative Patent Judges*.

TORCZON, *Administrative Patent Judge*.

JUDGMENT

In view of the adverse decision on junior party priority showing,<sup>1</sup> it  
is—

ORDERED that judgment be entered against the junior party for the  
subject matter of count 1;<sup>2</sup>

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<sup>1</sup> Paper 20, Decision on Priority.

<sup>2</sup> Paper 1, Declaration, at 3.

FURTHER ORDERED that claims 1-19 of the junior party's involved 10/103,480 application be FINALLY REFUSED;<sup>3</sup>

FURTHER ORDERED that claims 1-48 of the junior party's involved 6,183,959 patent be CANCELED;<sup>4</sup>

FURTHER ORDERED that claims 1-39 of the junior party's involved 6,448,009 patent be CANCELED;<sup>5</sup> and

FURTHER ORDERED that a copy of this judgment be entered in the administrative records of the involved patents and applications.

cc:

Daniel A. Boehnen and Patrick G. Gattari, MCDONNELL BOEHNEN  
HULBERT & BERGHOFF, of Chicago, Illinois, for Sirna Therapeutics, Inc.

Kenneth A. Weber, TOWNSEND AND TOWNSEND AND CREW LLP, of  
San Francisco, California, for Immusol, Inc.

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<sup>3</sup> 35 U.S.C. § 135(a).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*